

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

NCLN 20, INC. and STEVE JONES,

Plaintiffs,

Case No. 5:05-CV-60198

v

HON. JOHN CORBETT O'MEARA

VITO DANZO, Assistant Licensing Administrator,
Security Guard Regulation Department of Labor and
Economic Growth; STATE OF MICHIGAN STATE
DEPARTMENT OF LABOR AND ECONOMIC GROWTH;
STATE OF MICHIGAN DEPARTMENT OF STATE
POLICE; and DOES 1 through 3, INCLUSIVE, jointly
and severally,

Defendants.

**ORDER GRANTING DEFENDANTS', STATE OF MICHIGAN,
MICHIGAN DEPARTMENT OF STATE POLICE, MICHIGAN
DEPARTMENT OF LABOR AND ECONOMIC GROWTH,
VITO DANZO, IN HIS OFFICIAL AND INDIVIDUAL CAPACITIES,
MOTION TO DISMISS WITH PREJUDICE PURSUANT TO FED. R. CIV. P. 12(b)(6)**

Before the court are Defendants' motions to dismiss Plaintiffs' claims pursuant to Fed. R. Civ. P. 12(b)(6), filed on June 16, 2008. Plaintiffs have responded in writing to Defendants' motions and Defendants replied. Oral arguments were heard on July 30, 2008.

As stated in the record, the court GRANTS the motion to dismiss filed by Defendants State of Michigan, Department of State Police, Department of Labor and Economic Growth and Vito Danzo, in his official capacity as the Court finds that the Defendants do not constitute a "person" as defined in 42 U.S.C. § 1983 and Will v. Department of State Police, 491 U.S. 58 (1989).

The court also GRANTS Defendant Vito Danzo's motion to dismiss the complaint filed against him in his individual capacity. Plaintiffs have failed to establish that Danzo's conduct or

statements resulted in reputational harm that altered a right or status previously recognized by state law, sufficient to create a constitutional procedural due process claim under the "stigma plus" test required by Paul v. Davis, 424 U.S. 693 (1976).

SO ORDERED.

s/John Corbett O'Meara
United States District Judge

Date: September 25, 2008

I hereby certify that a copy of the foregoing document was served upon the parties of record on this date, September 25, 2008, by electronic and/or ordinary mail.

s/William Barkholz
Case Manager